737 BILL No. 8 OF 1951

A Bill to provide for building up an up-to-date and comprehensive Library for Parliament.

WHEREAS it is necessary, for building up an up-to-date and comprehensive Library for the Parliament of India, to make arrangements to secure copies of every book, publication, periodical, etc., including maps, illustrations, photographs printed, lithographed, or photographed, in any language, in any part of the Union of India;

It is hereby enacted as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Parliament Library Act, 19 .

(2) It extends to the whole of India, except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the President may by order appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "Author" includes the writer, composer, compiler, annotator, commentator, or editor of a book, paper, periodical, or publication, or a cartoonist, or illustrator, draftsman, painter, and any other person whose work is included in the form of writing, annotation, compilation, editing, drawing, illustration, cartoon, map, or such like-material, in a book or published separately.

(b) "Book" shall include any work in writing, paper, periodical, pamphlet, or publication, printed and published or lithographed, whether offered for sale or otherwise; and every part or division of a book, pamphlet, sheet of letter press, sheet of music, map, plan, drawing, illustration, cartoon, graph, chart, or table, separately published but shall not include any second or subsequent edition of a book, unless such edition contains additions, annotations, or alterations, either in the letter press or in the maps, prints, or other engravings, belonging thereto, or is an abridgement of that book.

(c) "Composer" shall mean and include the composer of a musical work or of musical notation, or dance choreograph.

(d) "Library" means and includes the Library attached to the Parliament of India.

(e) "Printer" means and includes the proprietor or manager of a printing press, where the copies of a book are multiplied, and who is registered as the keeper of such a printing press.

(f) "Publisher" means and includes any person, firm, or company, carrying on business as publisher of books, and declared in any book to be publisher thereof.

Explanations.—(a) If in any case there is more than one person contributing to the making of a book in its several parts of writing, commentary, or illustrations, etc., separately, the term "Author" shall mean and shall include those composing and providing the actual thought and material contained in that book, whether published or otherwise; while those who have supplied the commentary, illustration, or annotation or ending shall be distinguished from the author, by the addition of an appropriate term giving the proper designation and contribution of each such contributor.

(b) Where there is more than one person jointly concerned in writing, or providing the actual thought and material contained in a book, they shall be known as joint authors.

(c) For the purpose of this section the expression "Author", "Printer", "Publisher" and "Composer" includes the heirs, assignees or the legal representative of a deceased Author, Printer, Publisher or Composer, respectively.

(d) Where in any case the same person acts as author, printer or publisher, or combines in himself more than one of these capacities, his responsibilities under this Act shall be the same as that of all of them jointly, and each severally.

3. *Copies of books to be delivered to Secretary to Parliament of India.*—(1) The publisher (including author or printer) of every book printed, lithographed, or photographed, and published in any State in the Union of India shall, after this Act comes into force, furnish, at his own expense, within one calendar month of the date of such printing, lithographing, photographing or publishing, to the Secretary to Parliament of India who shall give, or cause to be given, a written receipt for the same, three copies of each such book or work printed, photographed, lithographed and published in any language, in any part of the Union of India for use in the Library.

(2) The copies so delivered under sub-section (1) to the Secretary to Parliament shall be complete copies of the entire book, including all maps, charts, graphs, tables, notes, illustrations, sketches, drawings, wood-cuts, or photogravures included therein, printed on and stitched or sewn, and bound and got up in the best paper in the same manner as the best copies of the book published:

Provided that in the case of any book of which only a number of copies have been printed on superior paper and sewn or stitched and bound in a better manner and material, whether for presentation or for sale at a price higher than that charged for the ordinary edition, the copies required to be so furnished under this section shall be of the better or superior edition.

4. *Application.*—Without prejudice to any rights or privileges of the Government of India or the Government of a State, the provisions of this Act shall also be applicable to any work which has been prepared or published by or under the direction or control of any Government department.

5. *Penalty for offences under the Act.*—If the Publisher fails to comply with the provisions of this Act, he shall be liable on summary conviction to a fine not exceeding rupees one hundred in respect of each book, or each demand by the Secretary to Parliament, in addition to the price of the copies of the book required to be furnished free of cost under this Act; and the fine shall be paid to the Secretary to Parliament of India to be kept in a separate Reserve Fund to be used for the purposes of this Act.

6. *Appeal against the fine.*—Any person affected by an order under section 5 may, within thirty days of the date of such order appeal to the Court to which appeals from the Court making the order ordinarily lie; and such appellate Court may direct that execution of the order be stayed pending consideration of the appeal.

7. *Court to try offences under the Act.*—No Court inferior to that of a Presidency Magistrate or a Magistrate of the First Class shall try any offence against this Act.

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8. *Repeals.*—The provisions of the Indian Copyright Act 1914 (III of 1914) and the Press and Registration of Books Act, 1867 (XXV of 1867) in so far as they relate to the transmission of copies of Books, etc., to the British Museum or the Secretary of State are hereby repealed.

STATEMENT OF OBJECTS AND REASONS.

The most important National Libraries of the world, such as the British Museum, the Congressional Library in the United States, or the Bibliotheque Nationale of France, are built up and kept up-to-date by requiring copies of all books, etc., printed and published within the jurisdiction of the countries concerned, to be supplied free of cost to such central institutions, under the authority of some National legislation.

In the United States as well as in Britain the Copyright legislation utilised to achieve this object.

During the British regime, the Government of India issued to require under the terms of the Press and Registration of Books Act, 1867 (XXV of 1867) a certain number of copies of every book, periodical, or publication, printed and published in British India, to be supplied, free of cost, for use in the British Museum. The copies supplied for this purpose were to be of the best bound and get-up. If of a book or publication, two editions were printed, one in small number of superior paper and richer binding, for presentation, and the other more numerous on ordinary paper and with ordinary binding and get up for sale in the market, only copies from the superior edition were to be supplied under that legislation. Pains and penalties were attached in regard to failure to comply with this legislation. There is no reason why that legislation should operate now, if it is still in force.

This Bill accordingly proposes to secure, for the use of the Library of Parliament, one copy at least of every book, or publication printed in India in any Indian or foreign language. The Library of Parliament, should contain all available material for every problem that may engage the attention of Parliament. It should in fact, be co-extensive with the problems of the entire public and private life in the country in all its aspect, and phases.

K. T. SHAH.

BILL NO. 11 OF 1951

A Bill further to amend the Sea Customs Act, 1878.

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Sea Customs (Amendment) Act, 19 .

2. *Amendment of section* 87, *Act VIII of* 1878.—In section 87 of the Sea Customs Act, 1878 (VIII of 1878), (hereinafter referred to as the said Act) ; after the word " assessed " the words " within fifteen days of such delivery " shall be inserted.